

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

Dr. Michael Moates  
Plaintiff

Case No.: 4:23-cv-00772

v.

STATE OF NORTH CAROLINA,  
STATE OF TEXAS,  
STATE OF VIRGINIA, AND  
STATE OF NEVADA  
Defendants

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MOTION FOR EXTENSION OF TIME TO  
RESPOND TO DEFENDANT STATE OF TEXAS'S MOTION TO DISMISS

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Pursuant to Federal Rule of Civil Procedure 6(b), Plaintiff, Dr. Michael Moates, hereby moves this Court for an extension of time to file a response to the Motion to Dismiss filed by Defendant State of Texas on August 28, 2023.

**Background:** On August 28, 2023, Defendant State of Texas filed a Motion to Dismiss and Response in Opposition to Plaintiff's Motion for Preliminary Injunction. The response to this motion is due within 21 days.

**Technical Arguments Observed:** The Plaintiff has observed technical arguments raised by both the State of Texas in their Motion to Dismiss and the State of North Carolina in their Motion for Extension of Time to Answer or Otherwise Respond to the Complaint.

**Intention to Amend Complaint:** In light of the technical concerns raised by the Defendants, the Plaintiff intends to file an amended complaint to address and cure these technical issues. Pursuant to Federal Rule

of Civil Procedure 15(a), the Plaintiff is allowed to amend the complaint once as a matter of course within the specified time frame. To ensure that all technical concerns are addressed in a single amendment and avoid the potential need for multiple filings, the Plaintiff wishes to have both motions to dismiss before amending the complaint.

**Request for Extension:** To ensure that the Plaintiff can adequately address the technical concerns raised by both the State of Texas and the State of North Carolina, the Plaintiff respectfully requests an extension of time to file a response to the Motion to Dismiss. Specifically, the Plaintiff requests 10 business days to complete the complaint after the State of North Carolina submits their response, which is due on September 24, 2023. That would make the Plaintiff's Amended Complaint due on October 9th, 2023. This will allow the Plaintiff to review both motions, identify all technical concerns, and address them in a single amended complaint.

**Pending Motions:** Should the Court grant this motion, Dr. Moates withdraws all pending motions, including the motions for a temporary restraining order (dkt 2) and preliminary injunction (dkt 14). The Plaintiff will then refile everything with a consolidated complaint. This approach is intended to streamline the proceedings and promote judicial efficiency.

**Certificate of Conference:** Plaintiff Dr. Michael Moates has conferred with all counsel of record. Counsel for Defendant State of Texas agreed to the Motion. See Exhibit A.

Counsel for Defendant State of North Carolina did not respond to Plaintiff Dr. Michael Moates' request regarding the Motion. Moates' response as it stands today is due on 19 September 2021. Since Moates will be out of town from 10 September through 14 September, he is trying to act quickly in order to give the

court time to rule on said Motion. Moates emailed Tamika Henderson, Special Deputy Attorney General for the State of North Carolina at around 5:30 AM on 7 September 2023. See Exhibit B. While Ms. Henderson responded to Dr. Moates on another matter, she did not respond to his request regarding the Motion. See Exhibit C. Dr. Moates sent a follow up email that has not received a response despite being read. See Exhibit D. Should Dr. Moates receive a response from the State of North Carolina, he will promptly file a supplement to this Motion. The need for this request of an extension comes before the court due to Defendant State of North Carolina's failure to file a prompt response as required by the FRCP. It is our hope that the state would be understanding as the court has been with them.

**Conclusion:** Granting this extension will promote judicial efficiency and will not prejudice the Defendants. It will allow the Plaintiff to address all technical concerns in a single amended complaint, reducing the need for multiple filings and potential complications.

WHEREFORE, Plaintiff Michael Moates respectfully requests that this Court grant an extension of time to file a response to the Motion to Dismiss filed by Defendant State of Texas until after the State of North Carolina has filed their response to the Complaint.

Respectfully submitted,

/s/ Michael Moates, EdD, Pro Se

4501 Nautilus Circle #710

Fort Worth, Texas

254-966-2837

mike@cpmht.com

**CERTIFICATE OF SERVICE**

I hereby certify that on 9 September 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Eric Fineman, Assistant Attorney General

Office of the Texas Attorney General, General Litigation Division

209 West 14th Street, Austin, TX 78701

Phone: 512.475.4271 | Eric.Fineman@oag.texas.gov

Tamika L. Henderson

Special Deputy Attorney General, Special Litigation Section

114 W. Edenton Street, Raleigh, NC 27603

Phone: (919) 716-6566 | tlhenderson@ncdoj.gov

## EXHIBIT A



**Eric Fineman**

to me ▾

Thu, Sep 7, 5:26 PM (2 days ago)



I do not oppose your motion for an extension.

Thank you,

Eric Fineman

Assistant Attorney General

Office of the Attorney General

General Litigation Division

209 West 14<sup>th</sup> Street

Austin, TX 78701

Phone: 512.475.4271

[Eric.Fineman@oag.texas.gov](mailto:Eric.Fineman@oag.texas.gov)

This is a confidential communication and intended for the addressee(s) only. Any unauthorized interception or disclosure of this transmission is prohibited. If you are not the intended recipient of this message, please notify the sender and destroy this and all copies of this communication. Thank you.

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## EXHIBIT B

### Motion



**Dr. Michael Moates** <mike@cpmht.com>  
to Tamika ▾

Thu, Sep 7, 5:40 AM (2 days ago) ☆ ✓ ↶ ⋮

Good Morning,

Kindly see the attached Motion for an Extension and let me know if your state will agree to or oppose the Motion.

Thank you!

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*As always, you can book a session by going to <https://bookmike.org> or by [clicking here](#).*

*Very Respectfully,*

**Dr. Michael S. Moates, EdD\***  
**LP, LBA, LMHC, LAC, QBA, IBA, PABA-D**  
Licensed Clinical Psychologist  
Adjunct Professor of Psychology

**E: [Mike@cpmht.com](mailto:Mike@cpmht.com) | P: 254-966-2837**

**"Yesterday is not ours to recover, but tomorrow is ours to win or to lose."**

**\*Typically, it is improper to use the term Doctor while also using the nominal letters, however, state law requires me to tell you specifically what kind of Doctor I am.\***

One attachment • Scanned by Gmail ⓘ



## EXHIBIT C



Henderson, Tamika

to me ▾

Thu, Sep 7, 1:35 PM (2 days ago)



I cannot accept service or let you know if I represent unidentified individuals.

...



Dr. Michael Moates <mike@cpmht.com>

to Tamika ▾

Thu, Sep 7, 5:44 PM (2 days ago)



I understand. I will reach out once I file the amended complaint. On another note, the State of TX has told me that they do not oppose my Motion. Does your office have an opinion?

...

...

E: [Mike@cpmht.com](mailto:mike@cpmht.com) | P: 817-290-9500

...

↩ Reply


→ Forward

## EXHIBIT D

### Email Delivery Certificate generated by Mailtrack

<b>From</b>	Professor Michael Moates MA QBA LBA LMHC <mike@cpmht.com>
<b>Subject</b>	Motion
<b>Message ID</b>	<CAHx7xgSBR=adD=-kTQmv45E5VZE9EK991Jgr+cR20cEpqbRYAw@mail.gmail.com>
<b>Delivered on</b>	7 Sep, 2023 at 5:40 AM
<b>Delivered to</b>	Henderson, Tamika <TLhenderson@ncdoj.gov>

#### Tracking history

 Opened on 7 Sep, 2023 at 5:40 AM by Henderson, Tamika